Basic information

2005/2191(INI) INI - Own-initiative procedure	Procedure completed
Framework strategy for non-discrimination and equal opportunities for all **Subject** 1.10 Fundamental rights in the EU, Charter 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	ŽDANOKA Tatjana (Verts /ALE)	04/07/2005

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality (Associated committee)	GIBAULT Claire (ALDE)	05/10/2005

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary

01/06/2005	Non-legislative basic document published	COM(2005)0224	Summary
27/10/2005	Committee referral announced in Parliament		
27/10/2005	Referral to associated committees announced in Parliament		
15/05/2006	Vote in committee		Summary
18/05/2006	Committee report tabled for plenary	A6-0189/2006	
13/06/2006	Debate in Parliament		
14/06/2006	Decision by Parliament	T6-0261/2006	Summary
14/06/2006	Results of vote in Parliament		
14/06/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2191(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/31155

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	FEMM	PE367.812	21/03/2006	
Committee draft report		PE371.873	27/03/2006	
Amendments tabled in committee		PE372.189	28/04/2006	
Committee report tabled for plenary, single reading		A6-0189/2006	18/05/2006	
Text adopted by Parliament, single reading		T6-0261/2006	14/06/2006	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2005)0224	01/06/2005	Summary
Commission response to text adopted in plenary	SP(2006)3311	01/08/2006	

Framework strategy for non-discrimination and equal opportunities for all

2005/2191(INI) - 01/06/2005 - Non-legislative basic document

PURPOSE : to present a framework strategy for non-discrimination and equal opportunities for all.

CONTENT: This Communication follows on from the Green Paper on "Equality and non-discrimination in an enlarged EU" (COM (2005)0379) and takes account of the comments and reactions submitted by national authorities, specialised equality bodies, non-governmental organisations, regional and local authorities, the social partners, experts and individual members of the public. (In total, over 1 500 contributions were received.) The consultation confirmed the high level of interest in and support for EU action in this area, as well as for specific action to promote gender equality. The vast majority of written responses to the Green Paper highlighted the added value of EU funding in supporting policy development and implementation of anti-discrimination legislation. The three main priorities identified for future EU funding were information and awareness-raising, analysis and monitoring of the impact of anti-discrimination legislation and networking between groups involved in the fight against discrimination.

This Communication sets out a forward-looking strategy to promote non-discrimination and equal opportunities for all in the EU. The Commission will present a communication dealing in more detail with gender equality in 2006.

Ensuring effective legal protection against discrimination across the EU is a central part of this strategy. This involves ensuring the full transposition of EC anti-discrimination legislation by all Member States. It also requires a range of complementary measures, particularly in order to ensure that people are aware of their rights and are able to get access to justice. The Commission envisages the following measures:

Ensuring effective legal protection against discrimination:: The Commission is concerned to note that some important provisions of Directives 2000/43/EC and 2000/78/EChave not yet been fully transposed into national law in all Member States, and has already launched infringement procedures against a number of Member States. In addition to legislative transposition, further measures will continue to be required for some time in order to ensure that anti-discrimination legislation is effectively implemented and enforced across the EU. Priority areas for action include:

-targeted training and capacity-building actions for specialised equality bodies, judges, lawyers, NGOs and the social partners;

-networking and exchanges of experience between relevant stakeholders;

-awareness-raising and dissemination of information concerning the provisions of European and national anti-discrimination law.

In order to be effective, such measures will require concerted efforts by all of the relevant stakeholders at the European, national and regional levels. EU support will be made available, where appropriate, through the Community action programme to combat discrimination and, after 2007, through the PROGRESS programme.

Assessing the need for further action to complement the current legal framework: the Commission is not proposing to come forward at this stage with further legislative proposals based on Article 13 of the Treaty. However, the Commission will undertake an in-depth study into the relevance and feasibility of possible new measures to complement the current legal framework. This study will examine national provisions, which go beyond the requirements of the EC Directives, in Member States and in some third countries. It will consider the relative merits of legislative and non-legislative measures. It will also produce a synthesis of cost /benefit analyses of different policy options carried out at the national level. The results of the study will be made available in autumn 2006. On the basis of this material, the Commission will assess the feasibility of possible new initiatives to complement the current legal framework.

Mainstreaming non-discrimination and equal opportunities for all: the Commission is committed to the development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies. It will also produce biennial reports on the situation of people with disabilities (first report 2005).

Promoting and learning from innovation and good practice: In line with the mainstreaming approach, the Commission will aim to ensure that a range of EU funding instruments contribute to the promotion of non-discrimination and equal opportunities for all. In particular, it will seek to promote exchanges of good practice, cooperation and networking between national authorities, specialised equality bodies, organisations working with victims of discrimination, and other stakeholders.

Building on the innovative approaches to preventing labour market discrimination developed through the EQUAL Community Initiative, the European Social Fund should play an increasingly important role in this area. The PROGRESS programmewill complement the work of the ESF in the fields of gender equality and anti-discrimination by financing studies, awareness-raising, exchanges of good practice, networking, monitoring and evaluation. Following on from the current Socrates, Leonardo and Youth Programmes, the new generation of programmesin the area of education, training and youth can make a valuable contribution to the promotion of non-discrimination and equal opportunities for all.

Improving the collection of data related to discrimination will be essential for the monitoring the implementation of EC anti-discrimination legislation. The Commission will work to develop better statistical tools to evaluate the incidence of discrimination. It will publish a handbook setting out practical guidance on the collection of data related to discrimination in 2006. The Commission will also soon come forward with proposals to establish a new Fundamental Rights Agency.

Raising awareness and cooperating with stakeholders: In order to drive forward the agenda outlined in this Communication for a more positive approach to equality, the Commission is proposing to designate 2007 as European Year of Equal Opportunities for All. The European Year will help to raise awareness, focus political attention and mobilise key stakeholders. The Year will focus on four main priority objectives: rights; recognition; representation, and respect.

The Year will aim to inform people of their rights to protection against discrimination under European and national law; celebrate diversity as an asset for the EU; and to promote equal opportunities for all in economic, social, political and cultural life.

A special effort to tackle discrimination and social exclusion faced by disadvantaged ethnic minorities: One issue of particular concern is the situation of the Roma. The Commission has repeatedly highlighted the difficult conditions faced by Roma communities in Member States, candidate countries and acceding countries. The Roma continue to experience particularly severe forms of exclusion and discrimination in education, employment, housing, healthcare and other areas.

Furthermore, the EU needs to develop appropriate responses to the different needs of new migrants, established minorities of immigrant origin and other minority groups. In order to support policy development in this area, the Commission plans to establish a high level advisory group on social and labour market integration of disadvantaged ethnic minorities.

Enlargement, relations with third countries and international cooperation: The pre accession financial instrumentswill continue to provide EU funding to promote non-discrimination and equal opportunities in countries that are preparing for membership of the EU. Anti-discrimination and human rights concerns are also reflected in the European Neighbourhood Policy (ENP) and the first wave of Action Plans covering relations with Jordan, Moldova, Morocco, Tunisia, Ukraine, Israel and the Palestinian Authority. The Cotonou Agreement between the EU and 78 African, Caribbean and Pacific (ACP) countries sets out the signatories' obligation to ensure respect for human rights, which are an essential element of the Agreement, and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion. Non-discrimination is the subject of regular political dialogue between the EU and its ACP partners. The EU will pursue cooperation with relevant international organisations, including the UN, the Council of Europe and the OSCE. The framework of international treaties and declarations dealing with non-discrimination and equal opportunities form an important reference framework for ongoing work within the EU, as well as for the Union’s relations with third countries.

Framework strategy for non-discrimination and equal opportunities for all

2005/2191(INI) - 14/06/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Tatjana **ŽDANOKA** (Greens/EFA, LV) in response to the Commission communication on a framework strategy for non-discrimination and equal opportunities for all. The report was adopted by 390 votes in favour to 222 against with 47 abstentions. It stated that discrimination largely stemmed from ignorance (and hence fear) of other people. The problem should therefore be tackled at source, by means of targeted actions designed to foster tolerance and diversity from early childhood. The Socrates, Leonardo and Jeunesse programmes had a crucial role to play in this connection.

General considerations: In addition to legislative tools and means of redress, the fight against discrimination must of necessity be based on education, the promotion of best practices and campaigns targeting the general public. Parliament stressed that the fight against discrimination should also be based on an awareness of the social (and also the economic) impact of the phenomenon. It was essential to give a clear definition of positive action and to stress that positive action was not positive discrimination. Concrete examples of positive action might include, for example: overhauling recruitment policies and practices to identify and remove those that lead to discrimination; taking steps to bring opportunities to the attention of disadvantaged groups; setting targets to improve the representation of disadvantaged groups within the workforce; or providing assistance to help disadvantaged groups to participate in society as a whole.

Parliament welcomed the Commission initiative to launch a European Year of Equal Opportunities in 2007 but regretted the fact that inadequate funds were allocated to the Year in view of the importance of the fight against discrimination.

It went on to deplore the fact that the Charter of Fundamental Rights had not yet been made legally binding. The Commission should carry out a discrimination impact assessment on every legislative proposal to ensure policy consistency across the Commission DGs. The Agency for Fundamental Rights should be closely involved in the impact studies carried out in this connection.

Parliament considered that if blatant inequalities of an "endemic", "structural or even "cultural' nature were to be remedied, it might be necessary in certain cases for a temporary exception to be made to the concept of equality based on the individual in favour of group-based "distributive justice" through the adoption of "positive" measures. It pointed out that the concepts of "positive action", "affirmative equality" and "distributive justice" reflected one and the same reality, the basis of which was an acknowledgement of the fact that in certain cases, effective action to combat discrimination required active intervention by the authorities for the purpose of restoring a seriously compromised balance. Intervention of this kind must not be regarded as a form of discrimination (not even as a "positive" form) and the concept of positive action could not be reduced to the idea of a quota.

Parliament called on those Member States which do not already have such bodies to set up, at national level, a specialised administrative body for equality and the fight against discrimination, which should be independent and should receive the necessary resources to enable them to help victims of discrimination in their dealings with courts and tribunals. Any downgrading of such bodies should be considered as an incorrect implementation of the anti-discrimination directives. Parliament asked the Commission carefully to evaluate the situation in Member States in this regard, and notably the Polish government's decision to abolish the Office of Plenipotentiary for Equal Status, the institution charged with combating discrimination and promoting equality for all.

Collection of data: Far from constituting an obstacle to the collection of data relating in particular to ethnic origin and to religion, Directive 95/46/EC provided necessary protection against any abuse of sensitive data collected for statistical purposes. Parliament felt that, notwithstanding cultural, historical or constitutional considerations, data collection on the situation of minorities and disadvantaged groups was critical and that policy and legislation to combat discrimination must be based on accurate data. It called upon the Member States to develop their statistics tools with a view to ensuring that data relating to employment, housing, education and income were available for each of the categories of individual which were likely to suffer discrimination based on one of the criteria listed in Article 13 of the EC Treaty.

Need for supplementary legislation: Parliament greatly regretted the fact that the Commission was not planning at this stage to draw up comprehensive legislation to combat discrimination. It insisted that a new legislative tool incorporating all the grounds for discrimination set out in Article 13 of the EC Treaty and having the same scope as Directive 2000/43/EC be submitted before mid-2007. It moved on to say that traditional national minorities urgently needed a framework policy standard for their effective participation in decision-making processes concerning their identity. They also needed to be protected by various forms of self-government or autonomy to overcome the double standards established by the Copenhagen criteria on the one hand and the lack of any rules in the Member States on the other.

Parliament called upon the Commission to fulfil its obligations as guardian of the Treaties and to undertake urgent action against Member States that have failed to transpose EC law prohibiting discrimination on the basis of Article 13 of the EC Treaty, such as Directives 2000/43/EC and 2000/78/EC.

The new Member States which have not transposed the anti-discrimination directives must be subject to infringement proceedings for violating EC law in the same way as the old Member States.

Finally, Parliament called on the Council to adopt the Commission's proposal for a Council framework decision on combating racism and xenophobia, which set out to establish a framework for punishing racist and xenophobic violence as a criminal offence.